



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Hedy Chang, Council Member	Hedy Chang, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, JULY 21, 2004

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 4

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATION

Recognition of Two New Morgan Hill Green Businesses:
Advanced Machining Techniques
Comcast
Gretchen Hefner, Santa Clara County Green Business Program

CITY COUNCIL REPORT

Council Member Carr

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-13

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **SANTA CLARA COUNTY CITIES ASSOCIATION'S (SCCCA) JOINT ECONOMIC DEVELOPMENT POLICY COMMITTEE** 1
Recommended Action(s):
 1. **Approve** the SCCCA's Formation of a New Standing Committee Called the Joint Economic Development Policy Committee (JEDPC); and
 2. **Ratify** the Appointment of Mayor Kennedy to Represent the City on the JEDPC.
2. **ACCEPTANCE OF THE CITY OF MORGAN HILL POLICE FACILITY PROJECT** 5
Recommended Action(s):
 1. **Accept** as Complete the Morgan Hill Police Facility Project in the Final Amount of \$1,813,000; and
 2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.
3. **AMENDMENT TO AGREEMENT FOR LAND USE PLANNING CONSULTANT SERVICES** 7
Recommended Action(s): Approve Amendment to Contract.
4. **FINAL MAP APPROVAL FOR TUSCANY MEADOWS (TRACT 9500)** 15
Recommended Action(s):
 1. **Approve** the Final Map, Subdivision Agreement and Improvement Plans;
 2. **Authorize** the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and
 3. **Authorize** the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.
5. **LOT LINE ADJUSTMENT PARCEL MAP APPROVAL FOR SOUTH VALLEY DEVELOPERS, INC.** 27
Recommended Action(s):
 1. **Approve** the Lot Line Adjustment Parcel Map, Including the Abandonment of a Storm Drain Easement and Reciprocal Ingress, Egress and Public Service Easement on the Property; and
 2. **Authorize** the Recordation of the Map.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
6.	<u>AWARD OF PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION INSPECTION SERVICES FOR THE 2003-2004 STREET RESURFACING PROGRAM</u> Recommended Action(s): <u>Authorize</u> the City Manager to Execute a Consultant Agreement for Construction Inspection Services for the 2003-2004 Street Resurfacing Program with Harris and Associates for a Cost Not to Exceed \$32,310, Subject to Review and Approval by City Attorney.	31
7.	<u>AWARD CONTRACT FOR ANNUAL ASPHALT MAINTENANCE</u> Recommended Action(s): <u>Award</u> Contract to Granite Construction Company for the Annual Asphalt Maintenance in the Amount of \$37,600, Subject to Review and Approval by City Attorney.	35
8.	<u>APPROVE PURCHASE ORDER FOR THE REPAIR AND REPLACEMENT OF METAL BEAM GUARDRAILS</u> Recommended Action(s): <u>Approve</u> Purchase Order to Chavez Fence Company for the Repair and Replacement of Metal Beam Guardrails in the Amount of \$22,150.	37
9.	<u>ADOPT ORDINANCE NO. 1685, NEW SERIES</u> Recommended Action(s): <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1685, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1487, NEW SERIES, TO AMEND THE DEVELOPMENT AGREEMENT FOR APPLICATION MP-97-22: SPRING – MALONE/FILIPOWICZ TO ALLOW FOR A ONE YEAR EXTENSION OF TIME FOR A SINGLE CUSTOM LOT BUILDING ALLOTMENT RECEIVED IN THE 1998-99 RDCS COMPETITION. (APN 767-53-012).	39
10.	<u>ADOPT ORDINANCE NO. 1686, NEW SERIES</u> Recommended Action(s): <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1686, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT, DA 03-11 TO INCORPORATE CHANGES IN THE ALLOCATIONS AND THE PHASING OF THE PROJECT FOR APPLICATION MP 02-07: CORY-SAN PEDRO PARTNERS. (APN 817-11-061).	45
11.	<u>ADOPT ORDINANCE NO. 1688, NEW SERIES</u> Recommended Action(s): <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1688, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE PRECISE DEVELOPMENT PLAN APPROVED UNDER ORDINANCE NO. 1546, NEW SERIES, FOR THE TENNANT STATION SHOPPING CENTER LOCATED IN THE PUD DISTRICT ON THE SOUTHEAST CORNER OF THE INTERSECTION OF MONTEREY ROAD AND TENNANT AVENUE. (APN's 817-06-039, 040 & 41).	51
12.	<u>APPROVE MINUTES FOR SPECIAL CITY COUNCIL MEETING OF JULY 5, 2004</u> 	57
13.	<u>APPROVE MINUTES FOR SPECIAL CITY COUNCIL MEETING OF JULY 7, 2004</u> 	59

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
14.	2 Minutes	<u>ZONING AMENDMENT, ZA-04-07: DIGITAL-VENTURE PROFESSIONAL CENTER</u>	69
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Continue</u> Public Hearing.	
15.	30 Minutes	<u>ZONING AMENDMENT APPLICATION, ZA-04-02: COCHRANE-ASSISTED LIVING CENTER</u>	71
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Approve</u> Mitigated Negative Declaration.	
		Action- <u>Motion to Waive</u> the Reading in Full of Zoning Amendment Ordinance.	
		Action- <u>Motion to Introduce</u> Zoning Amendment Ordinance by Title Only. (Roll Call Vote)	
16.	5 Minutes	<u>PROTEST, PRO-04-03: ANNEXATION, ANX-03-01: HILL-GERA</u>	115
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Adopt</u> Resolution of Intent to Hold a Public Hearing on the “Protest Proceeding” at the Regular City Council Meeting of August 18, 2004.	
17.	15 Minutes	<u>ASSESSMENT OF HAZARDOUS VEGETATION MANAGEMENT PROGRAM CHARGES</u>	123
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Confirm Section A</u> of the Final Report on the 2004 Hazardous Vegetation Program.	
		Action- <u>Confirm Section B</u> of the Final Report on the 2004 Hazardous Vegetation Program.	
		Action- <u>Confirm Section C</u> of the Final Report on the 2004 Hazardous Vegetation Program.	
		Action- <u>Adopt Resolution</u> ordering the Final Report on the 2004 Hazardous Vegetation Program be transmitted to the County Assessor’s Office and that liens be posted against the properties on the report.	
18.	5 Minutes	<u>GENERAL PLAN AMENDMENT, GPA-04-06: CITY OF MORGAN HILL TEXT AMENDMENT FOR MEASURE C</u>	129
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Adopt</u> Resolution.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
19.	15 Minutes	<u>APPROVAL OF THE MITIGATION MONITORING AND REPORTING PLAN FOR THE INSTUTUTE GOLF COURSE</u>	145
		<u>Recommended Action(s): Adopt</u> Resolution.	
20.	1 Minute	<u>ADOPT ZONING AMENDMENT ORDINANCE NO. 1687, NEW SERIES</u>	151
		<u>Recommended Action(s): Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1687, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT ON A 192±-ACRE SITE CHANGING THE ZONING DESIGNATION FROM OPEN SPACE (OS) TO PLANNED UNIT DEVELOPMENT (PUD) LOCATED AT 14830 FOOTHILL AVENUE BETWEEN MAPLE AVENUE AND ROBIN AVENUE. (APNS 825-29-002, 043, 044, 045 AND 825-30-007).	
21.	60 Minutes	<u>REPORT OF THE COUNCIL SUBCOMMITTEE ON THE LIBRARY PROJECT SELECTION</u> (Continued from 6/23/04).....	177
		<u>Recommended Action(s):</u>	
		1. <u>Continue</u> Discussion of the Recommendations of the Council Subcommittee;	
		2. <u>Receive</u> The Analysis and Findings for Considering an Increase in the Library Development Impact Fee;	
		3. <u>Direct Staff</u> to Set August 18, 2004 as a Public Hearing for Consideration of Increased Library Development Impact Fees of \$750 Single Family Units and \$614 Multiple Family Units;	
		4. <u>Consider</u> the Mayor's Suggestion to Delay the Site Location Decision and Instead Place the Decision for the Location of the Library as an Advisory Vote Measure on the November 2, 2004 Election Ballot; and Immediately <u>Draft</u> a Resolution for Final Approval at the July 28 Council Meeting; and	
		5. <u>Provide</u> Council Direction.	

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
22.	10 Minutes	<u>EXTENSION OF EXCLUSIVE RIGHT TO NEGOTIATE AGREEMENT (ERN) WITH EL TORO BREWING</u>	239
		<u>Recommended Action(s): Authorize</u> the Executive Director to Prepare and Negotiate a 90-day Extension to the ERN with El Toro Brewing, Subject to Agency General Counsel Review.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT